

No. 05-3542

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

HUEY L. GOWDY,

Petitioner-Appellant,

v.

HARRY K. RUSSELL, Warden,

Respondent-Appellee.

FILED

JAN 10 2006

ORDER

LEONARD GREEN, Clerk

1:01-CV-235

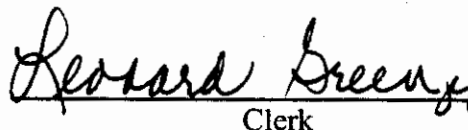
Huey L. Gowdy, an Ohio prisoner represented by counsel, appeals the district court's judgment dismissing his petition for a writ of habeas corpus. *See* 28 U.S.C. § 2254. Gowdy has filed an application for a certificate of appealability with this court. *See* Fed. R. App. P. 22(b)(1). Petitioner has also moved to proceed in forma pauperis on appeal.

To obtain a certificate of appealability, Gowdy must "demonstrat[e] that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Banks v. Dretke*, 540 U.S. 668, 705 (2004) (citation and internal quotation marks omitted).

Upon review, the court concludes that Gowdy has failed to make a showing that reasonable jurists could disagree with the district court's resolution of his equal protection and ineffective assistance of counsel claims.

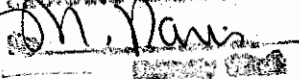
Accordingly, Gowdy's motion to proceed in forma pauperis is granted, and his application for a certificate of appealability is denied.

ENTERED BY ORDER OF THE COURT



Clerk

A TRUE COPY


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LEONARD GREEN
CLERK

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
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Filed: January 10, 2006

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RE: 05-3542
Gowdy vs. Russell

Enclosed is a copy of an order which was entered today in the above-styled case.

Leonard Green, Clerk

(Ms.) Michelle M. Davis
Case Manager

Enclosure

cc:
Mr. James Bonini